

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

WP(C).No. 22328 of 2015 (M)

PETITIONER:

MANU M.THOMAS AGED 35 YEARS
MURINJAKALLEL, PAYAM P.O, KANNUR.

BY ADV. SRI.S.MANU

RESPONDENTS:

1. KERALA STATE WAREHOUSING CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR, PB NO.1727
KOCHI 16.
2. KERALA INDUSTRIAL AND TECHNICAL CONSULTANCY
ORGANISATION LIMITED (KITCO)
REPRESENTED BY ITS MANAGING DIRECTOR, FEMITH'S
PB NO.4407, PUTHIYA ROAD, N.H BYE PASS
VENNALA, KOCHI 28.

R BY SRI. M.GOPIKRISHNAN NAMBIAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 22328 of 2015 (M)

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1. COPY OF THE CERTIFICATE ISSUED BY DISTRICT COURT BAR
ASSOCIATION THALASSERY.

EXHIBIT P2. COPY OF THE NOTIFICATION DATED 10.2.15.

EXHIBIT P3. COPY OF THE APPLICATION FORM MADE AVAILABLE IN THE
WEBSITE OF THE 1st RESPONDENT.

RESPONDENTS' EXHIBITS :NIL

//TRUE COPY//

P. A. TO JUDGE

ANIL K. NARENDRA, J.

W.P.(C) No. 22328 of 2015

Dated this the 24th day of July, 2015

JUDGMENT

The petitioner who is a practicing lawyer at Thalassery has filed this writ petition seeking a declaration that the application submitted by him for appointment for the post of Assistant Manager under the Kerala State Warehousing Corporation, the 1st respondent herein, is rejected in an arbitrary and unjust manner. He has also sought for a writ of mandamus, commanding the respondents to permit him to take part in the ongoing selection process for appointment to the aforesaid post.

2. Going by the averments in the writ petition, the petitioner submitted an application for appointment to the post of Assistant Manager in the 1st respondent corporation pursuant to Ext.P2 notification. Ext.P3 is the format of the application which was downloaded from the

official website of the 1st respondent corporation. Going by the terms of Ext.P2 notification, the candidates will have to download the application from the official website of the 1st respondent corporation and should forward it in the prescribed format along with copies of certificates in proof of age, qualification and original cast certificate, etc., so as to reach the office of the Managing Director of the 1st respondent corporation on or before 02.03.2015. A perusal on Ext.P3 format of the application would show that, the applicant will have to affix his recent passport size photograph on the right hand top of the application, and it should be self attested.

3. The 1st respondent corporation entrusted the task of conducting the written test as the part of the selection process, to the 2nd respondent organisation. The written test is scheduled to be held on 25.07.2015. When the petitioner did not receive the hall ticket, he made enquiry in the office of the 1st respondent corporation and was informed that his

application stands rejected for want of passport size photograph. It is in such circumstances the petitioner has approached this court in this writ petition seeking various reliefs.

4. On 23.07.2015, when this writ petition came for admission, as today motion, the learned Standing Counsel for the 1st respondent corporation was directed to get instructions and the matter was posted today, for further consideration.

5. Today when the case was taken up for consideration at 10.15 am, the learned Standing Counsel on instructions, submitted that the application submitted by the petitioner does not have a self attested photograph and further, the application itself is not in the prescribed format. On such submission being made, the learned Standing Counsel was directed to make available the original application submitted by the petitioner for the perusal of this court and the matter was posted at 1.45pm.

6. Pursuant to the above order, the learned Standing Counsel has made available the application submitted by the petitioner, pursuant to Ext.P2 notification.

7. A perusal of the aforesaid application would make it explicitly clear that, the self attested photograph of the petitioner is not affixed on the right hand top of the application. Further, the application is not in the prescribed format. It is not one downloaded from the website of the 1st respondent corporation, instead the said application is one typed by the petitioner, which also contains columns which are not provided in the prescribed format available in Ext.P3.

8. The learned Standing Counsel would also submit that, the 1st respondent corporation received around 6,000 applications, out of which around 1000 applications were found defective for various reasons and none of those candidates were issued with any Hall Tickets. Therefore the specific stand taken by the 1st respondent corporation is that, only those candidates who have submitted their applications

in the prescribed format with the required particulars alone are being issued with hall tickets and there is no discrimination in the case of the petitioner.

9. Heard the arguments of the learned counsel for the petitioner and also the learned Standing Counsel for the 1st respondent corporation.

10. The learned counsel for the petitioner would submit that, merely for the reason that the application submitted by the petitioner is not in the prescribed format, his right to participate in the selection process may not be denied, when the particulars required in the prescribed format are already there in the application submitted by the petitioner. Regarding self attested photograph, to be attached along with the application, the learned counsel would submit that, in terms of Ext.P2 notification, the petitioner has provided a self attested photograph along with the application, which was clipped with a paper clip.

11. I have considered the rival submissions made at the

Bar.

12. The petitioner wants to participate in the selection process pursuant to Ext.P2 notification issued by the 1st respondent corporation for appointment for the post of Assistant Manager. When Ext.P2 notification prescribes the format in which a candidate has to submit his application, a candidate seeking appointment to the aforesaid post should comply with the specific conditions provided in the aforesaid notification. In case it is found that the application submitted by a candidate is not in the prescribed format, or it does not fulfill the requirements in terms of the notification, the employer has the right to reject the said application. Now the specific stand taken by the 1st respondent corporation before this Court is that, out of around 6,000 applications received, around 1,000 applications were found defective and none of those candidates were issued with any hall tickets. In such circumstances, the petitioner cannot raise a contention that he alone has been discriminated.

13. As I have already noticed, the right of a candidate to participate in a selection process, pursuant to a notification issued by the employer, is subject to the fulfilment of the eligibility criteria and also the other requirements in terms of the said notification. Once it is found that the application submitted by the petitioner is not in the prescribed format and that, it does not contain a self attested photograph, the 1st respondent corporation is perfectly justified in rejecting his candidature. In the result, I find absolutely no ground to interfere with the rejection of the candidature of the petitioner.

The writ petition fails, and the same is dismissed. No order as to costs.

Sd/-
ANIL K. NARENDRAN
JUDGE

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